

June 7, 2018

Mr. Michael Stoker
Regional Administrator
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, California 94105

Dear Mr. Stoker:

On June 21, 2011, the California Air Resources Board (CARB) submitted to the U.S. Environmental Protection Agency (U.S. EPA), the Antelope Valley Air Quality Management District (AVAQMD) Rule 225, *Federal Operating Permit Requirement*, and Rule 226, *Limitations on Potential to Emit*, as well as the Mojave Desert Air Quality Management District (MDAQMD) Rule 221, *Federal Operating Permit Requirement*, and Rule 222, *Limitations on Potential to Emit*, to be considered as revisions to the California State Implementation Plan (SIP). The Districts amended the rules on January 18, 2011 and February 28, 2011, respectively, as part of their Prevention of Significant Deterioration (PSD) rule packages. The U.S. EPA has not yet taken action on these submittals.

The SIP submittals were in response to U.S. EPA regulating greenhouse gas emissions in 2010. In the June 2014 decision of *Utility Air Regulatory Group v. U.S. EPA* (No. 12-1146), the U.S. Supreme Court stated that U.S. EPA may not consider greenhouse gases as an air pollutant for purposes of determining whether a pollution source is a major source and therefore required to obtain a PSD permit. In 2017, U.S. EPA staff requested that the Districts withdraw the rules regulating greenhouse gas emissions from consideration for inclusion in the SIP.

As a result, on April 27, 2018, AVAQMD and MDAQMD requested CARB to withdraw from the SIP AVAQMD Rules 225 and 226, and MDAQMD Rules 221 and 222 (enclosed) that incorporate by reference 40 CFR 52 21(b)(49)(v), which considers greenhouse gases as an air pollutant, from their pending PSD rule submittals. As the agency designated under California law to make revisions to the California SIP, CARB now formally withdraws the rules listed above from submittal into the SIP. The withdrawal of these rules is consistent with the U.S. Supreme Court decision.

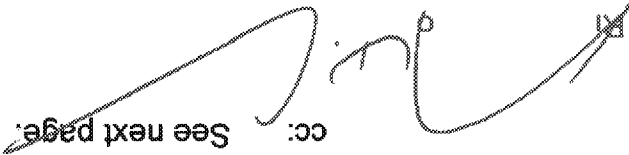
The enclosed letters also reference withdrawal of the *Antelope Valley District Final 2004 Ozone Attainment Plan* and the *Mojave Desert District Fall 2004 Ozone Attainment Plans*. CARB will consider this request at a later time.

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Sincerely,

If you have any questions, please call Mr. Kurt Karperos, Deputy Executive Officer, at (916) 322-2739, or have your staff call Dr. Michael Benjamin, Chief, Air Quality Planning and Science Division at (916) 201-8968.

cc: See next page.



Richard W. Carey
Executive Officer
Enclosures

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cc: (w/enclosures)

Mr. Bret Banks
Executive Director
Antelope Valley Air Quality Management District
43301 Division Street, Suite 206
Lancaster, California 93535-4649

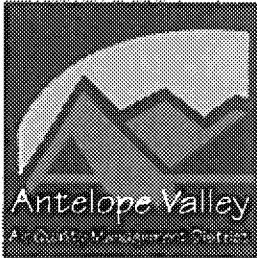
Mr. Brad Poiriez
Executive Director
Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, California 92392-2310

Mr. Alan Abbs
Executive Director
California Air Pollution Control Officers Association
1107 Ninth Street, Suite 1005
Sacramento, California 95814

Mr. Gerardo Rios, Chief
Permits Office, Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Mr. Kurt Karperos
Deputy Executive Officer
California Air Resources Board

Dr. Michael Benjamin, Chief
Air Quality Planning and Science Division
California Air Resources Board



Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070

In reply, please refer to AV0418/050

April 27, 2018

Ms. Carol Sutkus
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA95812

**Re: Withdrawal of Antelope Valley Air Quality Management District Final 2004
Ozone Attainment Plan and Antelope Valley District Rules 225 and 226.**

Dear Ms. Sutkus:

The Antelope Valley Air Quality Management District (AVAQMD) is requesting that the California Air Resources Board (CARB) withdraw the following items from submission to the U.S. Environmental Protection Agency (USEPA) for the State Implementation Plan (SIP):

- Antelope Valley District Final 2004 Ozone Attainment Plan (March 2004), submitted by CARB on May 4, 2004 (2004 Antelope Valley Plan);
- Rule 225 – Federal Operating Permit Requirement as amended January 18, 2011 and submitted by CARB on June 21, 2011; and
- Rule 226 – Limitations on Potential to Emit as amended January 18, 2011 and submitted on June 21, 2011.

The 2004 Antelope Valley Plan represents an update to a portion of the 1994 California Ozone Plan for the Southeast Desert Modified Air Quality Maintenance Area ("Southeast Desert") for the 1-hour ozone National Ambient Air Quality Standards (NAAQS). EPA approved the 1994 California Ozone Plan for the Southeast Desert at 62 FR 1150, 1182-1183 (January 8, 1997), and there is no Clean Air Act requirement that the one-hour plan be updated. As such, USEPA has informed the District that the 2004 Antelope Valley Plan may be withdrawn.

Cc: Elizabeth Adams, Acting Director, USEPA Region IX
 Thomas Kelly, USEPA Region IX
 Doris Lo, USEPA Region IX
 Gerardo Rios, USEPA Region IX
 Amy Zimpfer, USEPA Region IX
 Alan Desalvio, MDAQMD
 Tracy Walters, MDAQMD

Bret Banks
 Executive Director/APCO



USEPA has also informed the AVAQMD that the January 18, 2011 amendments to Rules 225 and 226 are not required because the amendments were enacted primarily to implement potential to emit (PTE) limitations of Greenhouse Gasses (GHGs) such that Federal Operating Permit (Title V) requirements would not be triggered solely by GHG emissions. Due to the rulings in UARG v EPA, 134 S.Ct 2427 (2014), the amended judgement in Coalition for Responsible Regulation v. EPA, D.C. Cir. April 10, 2015 (Case Nos. 09-1322, 10-1073, 10-1092 and 10-1167), and the regulatory changes proposed as a result USEPA has indicated that there is no longer a possibility that GHG emissions alone would trigger Title V requirements and that existing local and SIP-approved rules provide adequate mechanisms to limit PTE for Title V trigger purposes. Therefore, the submission of these particular rule amendments is no longer needed.

If in the future USEPA determines and notifies the AVAQMD that any of these submissions again become necessary, AVAQMD will request the submission of same for inclusion in the SIP.

If you have any question or need any additional information please feel free to contact me at banks@avaqmd.ca.gov or (661) 723-8070 x2.

Sincerely,



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Brad Poiriez, Executive Director

April 27, 2018

Ms. Carol Sutkus
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Re: Withdrawal of Mojave Desert Air Quality Management District Final 2004 Ozone Attainment Plan and Mojave Desert District Rules 221 and 222.

Dear Ms. Sutkus:

The Mojave Desert Air Quality Management District (MDAQMD or District) is requesting that the California Air Resources Board (CARB) withdraw the following items from submission to the U.S. Environmental Protection Agency (USEPA) for the State Implementation Plan (SIP):

- Mojave Desert District Final 2004 Ozone Attainment Plan (March 2004), submitted by CARB on May 4, 2004 (2004 Mojave Desert Plan);
- Rule 221 – *Federal Operating Permit Requirement* as amended February 28, 2011 and submitted June 21, 2011; and
- Rule 222 – *Limitations on Potential to Emit* as amended February 28, 2011 and submitted June 21, 2011.

The 2004 Mojave Desert Plan represents an update to a portion of the 1994 California Ozone Plan for the Southeast Desert Modified Air Quality Maintenance Area ("Southeast Desert") for the 1-hour ozone National Ambient Air Quality Standards (NAAQS). EPA approved the 1994 California Ozone Plan for the Southeast Desert at 62 FR 1150, 1182-1183 (January 8, 1997), and there is no Clean Air Act requirement that the one-hour plan be updated. As such, USEPA has informed the District that the 2004 Mojave Desert Plan may be withdrawn.

USEPA has also informed the MDAQMD that the February 28, 2011 amendments to Rules 221 and 222 are not required because the amendments were enacted primarily to implement potential to emit (PTE) limitations of Greenhouse Gases (GHG's) such that Federal Operating Permit (Title V) requirements would not be triggered solely by GHG emissions. Due to the rulings in *UARG v EPA*, 134 S.Ct 2427 (2014), the amended judgement in *Coalition for Responsible Regulation v. EPA*, D.C. Cir. April 10, 2015 (Case Nos. 09-1322,

Brad Poiriez
Executive Director APCCO

Cc: Elizabeth Adams, Acting Director, USEPA Region IX

Thomas Kelly, USEPA Region IX
Doris Lo, USEPA Region IX
Gerardo Rios, USEPA Region IX
Amy Zimpher, USEPA Region IX
Alan De Salvia, MDAQMD
Tracy Walters, MDAQMD



10-1073, 10-1092 and 10-1167), and the regulatory changes proposed as a result USEPA has indicated that there is no longer a possibility that GHG emissions alone would trigger Title V requirements and that existing SIP-approved rules provide adequate mechanisms to limit PTE for Title V trigger purposes. Therefore, the submission of these particular rule amendments is no longer needed.

If in the future USEPA determines and notifies the MDAQMD that any of these submissions again become necessary, the District will request the submission of same for inclusion in the SIP.

If you have any questions or need any additional information please feel free to contact Alan De Salvia at adeslavia@mdaqmd.ca.gov or (760) 245-1661 x6726.

Sincerely,